HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18011 OF 2007

Between:

P.Purnachandra Rao

. . .Petitioner

AND

The Government of Andhra Pradesh and others

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri G.Ramakrishna
for Shri B.Srinivasa Rao

30th August, 2007

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PER G.S.SINGHVI, CJ

After two months and nine days of dismissal of Writ Petition No.12907 of 2007 filed by two of his neighbourers who sought restraint order against the construction of multistoried building by respondent No.3 on plot No.219, Kalyan Nagar, Phase I, Yousufguda, Hyderabad, the petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India for grant of similar relief.

The entire thrust of the petitioner's case is that respondent No.3 is constructing building in violation of the sanctioned plan and despite repeated representations, the authorities of Greater Hyderabad Municipal Corporation have not taken steps to remove the illegal/unauthorized constructions.

We have heard Shri G.Ramakrishna and scrutinized the affidavit of the petitioner and annexed documents and are of the view that the writ petition does not deserve to be entertained because except making bald averments in the affidavit and annexing copies of representations made by him, the petitioner has not produced any evidence to prima facie establish the charge of illegal construction of building by respondent No.3. In such matters, the primary burden to establish the accusation of illegal/unauthorized construction by private party is always on the petitioner and this Court cannot be called upon to make roving enquiry by appointing Advocate Commissioner, which may ultimately result in fishing out some material tangibly supporting the cause of the petitioner.

With the above observation, the writ petition is dismissed. However, keeping in view the order dated 21.06.2007 passed by the Coordinate Bench in Writ Petition No.12097 of 2007 – Harish Kadiyala and another v. Government of Andhra Pradesh and others, we give liberty to the petitioner to avail other remedies including the one by filing civil suit.

As a sequel to dismissal of the main petition, WPMP No.23108 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

30th August, 2007

C.V.NAGARJUNA REDDY, J

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